

### **III. Remarks**

#### **A. Status of the Application**

Claims 1-4, 9 and 16-29 are currently pending in this application. By this paper, claims 1, 19, 21, 24, 26, and 29 are amended. Reconsideration of the pending claims is respectfully requested in light of the above amendments and the following remarks.

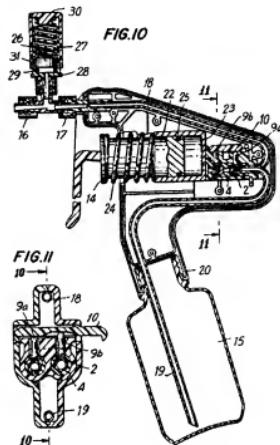
#### **B. Claim Rejections – 35 U.S.C. § 103**

##### *1. The Polyak and Bergner References*

The Final Office Action rejected claims 1-4, 9, and 21-26 under 35 USC §103(a) as being unpatentable over U.S. 5,254,092 to Polyak in view of U.S. Patent 4,854,482 to Bergner.

Applicants respectfully traverse the rejection with respect to the pending claims.

With respect to amended independent claim 1, even when combined, Polyak and Bergner at least fail to teach or suggest “wherein the valves include first and second automatic pressure valves such that a pressure chamber for said liquid is formed between said first and second automatic pressure valves, the first automatic pressure valve operable to allow said fluid to leave said pressure chamber and flow to said container when said pressurized fluid exceeds a first predetermined pressure threshold magnitude, the second automatic pressure valve operable to return pressurized fluid to said source when said pressurized fluid exceeds a second predetermined pressure threshold magnitude, wherein said second predetermined threshold is greater than said first predetermined threshold..” Referring to FIGS. 10 and 11 reproduced below from Polyak, the Final Office Action identified poppet 2 as corresponding to the claimed valves.



In that regard, Polyak discloses that

[i]n the inflator illustrated in FIG. 10, when the slider 10 is in the position shown the rear pusher 9a is down and the associated poppet [2] is unseated. In this position, when the piston pump 14 is operated, liquid from a reservoir 15 flows to a catheter with a dilation balloon (not shown) and inflates the balloon. The catheter is connected to the inflator through two luer locks 16, 17. When the slider 10 is moved to the opposite position from that shown, upon operation of the pump, the inflator deflates the balloon by transferring liquid from the balloon to the reservoir 15 through flexible high pressure tubing 18, 19. The position of the slider 10 and the relevant orientation of the two forward pushers and poppets is shown in FIG. 11.

Polyak, col.5 ll.41-54 (emphasis added). Thus, Polyak teaches that poppet 2 is unseated by the manual movement of slider 10. Moreover, the cited portions of Polyak appear silent on teaching or suggesting that poppet 2 is valves that include “first and second automatic pressure valves such that a pressure chamber for said liquid is formed between said first and second automatic pressure valves, the first automatic pressure valve operable to allow said fluid to leave said pressure chamber and flow to said container when said pressurized fluid exceeds a first predetermined pressure threshold magnitude, the second automatic pressure valve operable to return pressurized fluid to said source when said pressurized fluid exceeds a second predetermined pressure threshold magnitude, wherein said second predetermined threshold is greater than said first predetermined threshold,” as recited by amended claim 1. The Bergner reference does not cure these deficiencies.

For at least these reasons, it is respectfully submitted that amended claim 1 is not rendered obvious by the combination of Polyak and Bergner. Claims 2-4 and 9 depend from and add additional features to claim 1, and are believed to be distinct from the cited references, for example, for the same reasons discussed above with respect to claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the rejection and pass claims 1-4 and 9 to allowance.

Independent claim 21 has been amended to recite at least some features similar to those of claim 1. Accordingly, claim 21 is allowable for at least the same reasons as discussed above for claim 1. Claims 22-26 depend from claim 21 and are believed to be distinct from the cited references, for example, for the same reasons discussed above with respect to independent claim 21. Therefore, the Applicants respectfully request that the Examiner reconsider and pass claims 21-26 to allowance.

## 2. *The Polyak, Bergner, and McGough References*

The Final Office Action rejected claims 16, 19 and 20 under 35 USC §103(a) over Polyak as modified by Bergner, further in view of U.S. Patent 5,015,233 to McGough et al. (“McGough”). Applicants respectfully traverse the rejection with respect to the pending claims.

Claim 16 depends from claim 1 which, for the reasons previously set forth herein, is seen to be patentably distinguishable over the proposed Polyak/Bergner reference combination due to

the noted deficiencies therein. These deficiencies are in no manner cured by the McGough et al reference which has been cited by the Examiner solely for its alleged teachings with respect to a syringe with a plunger connected to a pressure pump and a working pressure range of up to 5000 PSI.

Independent claim 19 has been amended to recite at least some features similar to those of claim 1. As discussed above, even when combined, Polyak and Bergner do not disclose all the elements recited in independent claim 23. The deficiencies of the proposed Polyak/Bergner reference combination are in no manner cured by the McGough et al reference which has been cited by the Examiner solely for its alleged teachings with respect to a syringe with a plunger connected to a pressure pump and a working pressure range of up to 5000 PSI.

Claim 20 depends from claim 19 and is believed to be distinct from the cited references, for example, for the same reasons discussed above with respect to independent claim 19. Therefore, the Applicants respectfully request that the Examiner reconsider and pass claims 19 and 20 to allowance.

### *3. The Polyak, Bergner, and Dardik References*

The Final Office Action rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,250,887 to Dardik et al. (“Dardik”). Applicants respectfully traverse the rejection with respect to the pending claims.

Claims 17 and 18 depend from independent claim 1. As discussed above, even when combined, Polyak and Bergner do not disclose all the elements recited in independent claim 1. The deficiencies of the proposed Polyak/Bergner reference combination are in no manner cured by the Dardik reference which has been cited by the Examiner solely for its alleged teachings with respect to the length of a flexible tubing. Therefore, for at least this reason, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met with respect to claims 17 and 18. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and pass claims 17 and 18 to allowance.

**4. The Polyak, Bergner, and Barree References**

The Final Office Action rejected claim 27 under 35 USC §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,776,618 to Barree. Applicants respectfully traverse the rejection with respect to the pending claims.

Claim 27 depends from independent claim 21. As discussed above, even when combined, Polyak and Bergner do not disclose all the elements recited in independent claim 21. The deficiencies of the proposed Polyak/Bergner reference combination are in no manner cured by the Barree reference which has been cited by the Examiner solely for its alleged teachings with respect to a hollow housing for receiving the conduit with a ferrule and a seal surrounding and sealing the conduit against a set screw. Therefore, for at least this reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met with respect to claim 27. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and pass claim 27 to allowance.

**5. The Polyak, Bergner, and Busserau References**

The Final Office Action rejected claims 28 and 29 under 35 USC §103(a) as being unpatentable over Polyak as modified by Bergner, further in view of U.S. Patent 4,823,588 to Busserau et al ("Busserau"). Applicants respectfully traverse the rejection with respect to the pending claims.

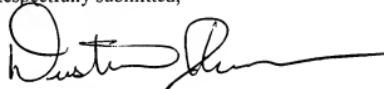
Claims 28 and 29 depend from independent claim 21. As discussed above, even when combined, Polyak and Bergner do not disclose all the elements recited in independent claim 21. The deficiencies of the proposed Polyak/Bergner reference combination are in no manner cured by the Busserau reference which has been cited by the Examiner solely for its alleged teachings with respect to a pressure relief mechanism pivotally rotatable about a pin and a relief valve between the fluid source and the pressure mechanism for releasing the fluid back to the source when pressure exceeds a threshold. Therefore, for at least this reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met with respect to claims 28 and 29. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection and pass claim 28 and 29 to allowance.

#### IV. Conclusion

In view of the foregoing remarks, all of the claims currently pending in this application are in a condition for allowance. A telephone interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application. To that end, the Examiner is invited to contact the undersigned at 972-39-8612.

The Final Office Action contains characterizations of the claims and the related art of which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Final Office Action.

Respectfully submitted,



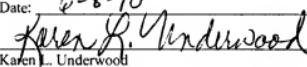
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I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on the following date.

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